(3) floor

BEFORE THE HONOURABLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION No. 1730/03

Petitioner : Smt.Rekha Dube, W/o Shri Manoj Dube, aged about 44 years, Lecturer, J.R. Dani Girl's HS School, Raipur, R/o. 47/89, Near Anand Samaj Library, Kankali para, Raipur (C.G.)

VERSUS

Respondents :

1. State of Chhattisgarh through The Secretary of Finance, DKS Bhawan, Raipur (CG)
2. The Secretary, Health & Family Welfare Department, State of Chhattisgarh, DKS Bhawan, Raipur (CG)
3. The Director, Health Education, State of Chhattisgarh, Raipur (CG)
4. The Principal, JR Dani, Girl's Hr. Secondary School, Raipur (CG)

No. 1529 dt 03 presented by Shri Manoj Kumar Dubey dated 11.06.03

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1730 of 2003

Petitioner Smt. Rekha Dube

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Manoj Dubey, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents.

ORDER

(14th July, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the petitioner, a Government employee working as Lecturer in J.R. Dani, Higher Secondary Schhol, Raipur, has filed this petition seeking relief of reimbursement of medical bill of her husband namely Shri Manoj Kumar Dubey.

2. The petitioner's husband Shri Manoj Kumar Dubey was admittedly admitted in the Modern Medical Institute, Raipur and thereafter has undergone for Angiography and Angioplasty with stent implantation to LAD at Spandan Hospital, Nagpur.

3. According to learned counsel for the petitioner, the petitioner has paid a sum of Rs. 1,07,250=00 (Rs. One lac Seven thousand two hundred & fifty only) towards medical expenses. Learned counsel for the petitioner further submits that the petitioner is entitled to reimbursement of the same amount which has been endorsed by the Director, Medical Education, Chhattisgarh by his letter dated 2.9.2002 (Annexure A/17) in following terms :-

"टीपः— श्री मनोज कुमार दुबे का उपचार एंजियोप्लास्टी के रूप मे एमएम0आई0 चिकित्सालय, रायपुर के परामर्श मे स्पंदन हार्ट नागपुर मे सम्पन्न हुआ। उपचारोपंरात व्यय की गई राशि मे चिकित्सा देयक रू0 1,07,250=00 निर्धारित प्रपत्र मे प्रस्तुत किये है। संलग्न प्रपत्र मे अंकित उक्त चिकित्सालय शासकीय कर्मचारियों के उपचारार्थ मान्यता प्राप्त नही है। उपचार देयको का परीक्षण सिविल सर्जन रायपुर द्वारा किया गया तथा उनके द्वारा राशि रू0 1,06,723=00 चिकित्सा प्रतिपुर्ति हेतु योग्य पाई गई।

अतः उक्त योग्य राशि की अनुशंसा करते हुए मुल चिकित्सा देयकों सहित प्रकरण राजय शासन की ओर आवश्यक कार्यवाही हेतु प्रेषित।"

4. Learned counsel appearing for the respondents fairly states that as per the letter of the Director, Medical Education, Chhattisgarh, the petitioner is entitled to reimbursement of the amount of Rs. 1,06,723 (Rs. One lac Six thousand seven hundred & twenty three only). However, stand of the respondents in the return is that Spandan Hospital, Nagpur is not recognized institute by the State of Chhattisgarh and the petitioner had sufficient time to seek prior permission of the government before going for Angiography and Angioplasty of her husband.

5. Be that as it may, it is admitted and certified by the Director, Medical Education, Chhattisgarh, who is competent officer, on verification of the documents and on the basis of the report of the Civil Surgeon, Raipur that the petitioner was entitled to reimbursement of a sum of Rs. 1,06,723=00 (Rs. One lac Six thousand seven hundred and twenty three only) of medical expenses.

6. For the reasons stated-above, the technical objections raised by learned counsel for the respondents in the facts and circumstances of the case is not acceptable. The petitioner is entitled to reimbursement

of medical expenses of her husband to the tune of Rs. 1,06,723=00 (Rs. One lac Six thousand seven hundred and twenty three only). I must make it clear that this decision shall not be taken as precedent in other cases. This order is passed in the facts and circumstances of the present case.

7. In view of this, the petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu